

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Oscar Sanchez, Marcus White, Tesmond McDonald, Marcelo Perez, Roger Morrison, Keith Baker, Paul Wright, Terry McNickels, Jose Munoz, Kiara Yarborough, Olivia Washington, and Ideare Bailey; *on their own and on behalf of a class of similarly situated persons*;

Petitioners/Plaintiffs,

v.

DALLAS COUNTY SHERIFF MARIAN BROWN, *in her official capacity*; DALLAS COUNTY, TEXAS;

Respondents/Defendants

Civil Action No. 20-cv-832

**NOTICE REGARDING PLAINTIFFS' FIRST AMENDED PETITION FOR WRIT OF
HABEAS CORPUS AND CLASS ACTION COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

Petitioners/Plaintiffs (hereinafter "Plaintiffs") hereby provide the Court notice of their Filing a First Amended Petition/Class Action Complaint as a matter of course under Rule 15(a)(1)(A).

Attached to this Notice is a document showing, via redline edits, the difference between Plaintiffs' originally-filed Petition/Complaint and the First Amended Petition/Complaint filed today. These differences are limited to:

- The addition of **three additional detainee plaintiffs**, Kiara Yarborough, Olivia Washington, and Ideare Bailey;
- The insertion of **limited, further factual detail regarding the ongoing conditions** at the Dallas County Jail;

- The insertion of **further factual detail regarding each Named Plaintiffs’ efforts and/or ability to exhaust their remedies in state court** prior to filing their Petition/Complaint before this Court; and
- Minor clarifying details **regarding this Court’s authority to provide the preliminary relief** Plaintiffs seek pursuant to both writs of habeas corpus and a Temporary Restraining Order and Preliminary Injunction.

These amendments presented in Plaintiffs’ First Amended Petition/Class Action Complaint do not alter in any way Plaintiffs’ request for a Temporary Restraining Order and writ of habeas corpus. The amendments presented in Plaintiffs’ First Amended Petition/Class Action Complaint do, however, provide factual details relevant to this Court’s consideration of jurisdictional arguments raised in Defendants’ and Proposed Intervenors’ Motions to Dismiss. Amendment in part for these purposes is permitted under the Federal Rules of Civil Procedure. *See Bibbs v. Early*, 541 F.3d 267, 275 n. 39 (5th Cir. 2008) (“Rule 15 takes precedence over Rule 21 where a party falls within Rule 15 confines—for example, where the party attempts to drop or add parties by an amended pleading filed before a responsive pleading is served.”).

Plaintiffs respectfully submit their First Amended Petition/Complaint in advance of their forthcoming Response Brief in Opposition to Defendants’ Motion to Dismiss and the jurisdictional arguments raised by Proposed-Intervenors, in order to provide the Court and the parties sufficient time to review. Plaintiffs respectfully submit that the filing of their First Amended Petition/Complaint is not cause for delay of the Court’s upcoming hearing on Plaintiffs’ Motion for a Temporary Restraining Order and writ of habeas corpus, as the legal and factual issues presented in that motion are not affected by Plaintiffs’ First Amended Petition/Complaint.

Dated: April 17, 2020.

Respectfully submitted,

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**admitted pro hac vice*

***N.D. Texas admission application forthcoming*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via the Court's CM/ECF system on all counsel registered with that system, and via email, on April 17, 2020.

/s/ Barry Barnett
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